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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,033	10/18/1999	DAVID B. SUTTON	9204-000002	2251

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EXAMINER

FULTS, RICHARD C

ART UNIT PAPER NUMBER

2164

DATE MAILED: 03/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Final
6
3/12/02

NY

Office Action Summary	Application No.	Applicant(s)	
	09/420,033	SUTTON ET AL.	
	Examiner	Art Unit	
	Richard Fults	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This Office Action is responsive to Applicants amendment and request for reconsideration (Paper No. 5) of application 09/420,033 filed October 18, 1999. The amendment filed January 3, 2002 amended claims 1 and 7. Accordingly Claims 1-11 are presented for examination on their merits.

Response To Arguments

1. Applicant's amendments filed January 3, 2002 have been fully considered, but the Applicant's arguments are found not to be persuasive. Accordingly the prior rejection remains in effect, although the amendments require new art to be applied.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston (US 6,202,051 B1) (hereinafter Woolston), and Walker et al (US 6,240,396 B1) (hereinafter Walker).

As to Claim 1 "A method for transacting a purchase between a buyer and a seller using a computer-implemented purchasing system, the purchasing system having at least two computing devices interconnected by a network, comprising the steps of:

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offering an item for sale through the use of a purchase transaction manager, said purchase transaction manager residing on a first computing device interconnected to the network;

providing credit card account information from the seller of said item to said purchase transaction manager;

receiving at least one acceptable bid on said item from a potential buyer, where each acceptable bid includes credit card account information for the potential buyer;

determining a winning bid on said item by said purchase transaction manager, thereby identifying a buyer for said item;
and

transacting a purchase between the buyer and the seller using the credit account information from the buyer and the seller, including the step of crediting the credit card account of the seller."

Woolston discloses all of the above with the single exception of being explicit that the seller's credit from the transaction goes into his credit card "merchant's account" (as stated by applicant on page 5 of the specifications) (see at least cols 1-26, but in particular cols 1-4, col 5, lines 4-23, col 12, lines 30-67, col 13, line 1, col 20, lines 25-67, and cols 21-26, and in particular col 21, lines 1-22, col 22, lines 39-40, and all of col 23). Woolston refers to the seller's account as "...charging the participant's (buyer) charge card account and crediting the consignment node (seller) store account by well-known credit card clearing techniques.", which is implicitly a merchant's account, but not explicitly so.

However Walker discloses (see at least cols 1-20, but in particular col 14, lines 42-45) explicitly the crediting of the seller's credit card account for the net proceeds of the transaction, which was paid for by a debit of a buyer's credit card.

In view of the teachings of Woolston, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Woolston with the teachings of Walker because when the two teachings are combined they provide a comprehensive ability to facilitate e-commerce on the internet by providing a seamless and explicit flow of transaction originated funds from one credit card account to another,

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from buyer to seller, which would save both time and money over other more cumbersome processes.

Likewise, in light of the teachings of Walker, it would have been obvious to one skilled in the art at the time of the invention to integrate the teaching of Walker with the teachings of Woolston for the same reason.

As to **Claim 2** "The method of Claim 1 further comprises the step of providing transactional information for the item by the seller to said purchase transaction manager, where the transactional information includes a description of the item and a minimum bid amount for the item." (see response to claim 1).

As to **Claim 3** "The method of Claim 1 wherein the credit account information is further defined as a credit card number and an expiration date." (see response to claim 1).

As to **Claim 4** "The method of Claim 1 wherein the step of transacting a purchase further comprises the steps of:

communicating credit account information for the buyer and the seller to a credit card clearinghouse;

debiting the buyer's credit account an amount which is not less than the amount of the winning bid;

crediting said amount to the seller's credit account; and

notifying at least one of the buyer and the seller of the transacted purchase between the buyer and the seller." (see response to claim 1).

As to **Claim 5** "The method of Claim 1 further comprising the step of shipping the item by the seller to the buyer after the step of transacting the purchase between the buyer and the seller." (see response to claim 1).

As to **Claim 6** "The method of Claim 1 wherein the step of transacting a purchase further comprises the steps of:

providing purchase transactional information to a purchase intermediary, the purchase transactional information includes credit card information for the buyer and the seller;

communicating credit account information for the buyer and the seller to a credit card clearinghouse;

debiting the buyer's credit account an amount which is not less than the amount of the winning bid;

crediting said amount to the seller's credit account; and

notifying at least one of the buyer and the seller of the transacted purchase between the buyer and the seller." (see response to claim 1).

As to **Claim 7** "A computer-implemented purchasing system for transacting a purchase between a buyer and a seller, the purchasing system having at least two computing devices interconnected by a network, comprising:

a sellers application receptive of transactional information and residing on a first computing device, where the transactional information includes credit account information for the seller;

a purchase transaction manager operative to offer said item for sale in response to receiving the transactional information from said sellers application, said purchase transaction manager residing on a second computing device and being interconnected to said sellers application by the network;

said purchase transaction manager receptive of at least one acceptable bid on said item from a potential buyer, where each acceptable bid includes credit account information for the potential buyer, and operative to determine a winning bid on said item, thereby identifying a buyer for said item; and

said purchase transaction manager being further operative to transact a purchase between the buyer and the seller using the credit account information from the

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buyer and the seller, including crediting the credit card account of the seller." (see response to claim 1).

As to **Claim 8** "The purchasing system of Claim 7 further comprising a buyers application receptive of bid information, where the buyers application resides on a third computing device and is interconnected to said purchase transaction manager by the network." (see response to claim 1).

As to **Claim 9** "The purchasing system of Claim 7 wherein said transactional information from the seller further includes a description of the item and a minimum bid amount for the item." (see response to claim 1).

As to **Claim 10** "The purchasing system of Claim 7 wherein said credit account information is further defined as a credit card number and an expiration date." (see response to claim 1).

As to **Claim 11** "The purchasing system of Claim 7 further comprising a credit card clearinghouse receptive of credit card information from said purchase transaction manager, the credit card clearinghouse operative to debit the buyer's credit account an amount which is not less than the amount of the winning bid and to credit said amount to the seller's credit account." (see response to claim 1).

3. Response to Applicant's arguments

Claims 1 and 7 and all claims dependent therefrom. In the Woolston reference it was implicitly stated that the seller's account being credited was in fact a credit card "merchants account" per the specifications of the Applicant, but Woolston did not use that term in describing it. The prior cited Walker (now relied upon as a reference) taught explicitly in the first action rejection (under prior art), the crediting of the seller's credit card account for the proceeds of the transaction, and the combination of Woolston and Walker clearly covers the claims amended to address a seller's credit

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card account being credited. In addition there was no evidence offered by the applicant to prove the arguments made that current regulations do not allow such direct credits, such as a copy of those regulations. Applicant's argument about such regulations was made in early 2002, while Walker's filing date was in 1997 claiming such a method. In any event, no such evidence was provided in a timely manner. See MPEP 716.01

4. **Any inquiry** concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on every workday 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached on 703-308-1065. The fax number for the organization where this application or proceeding is assigned is 703- 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is 703-305-3900.



RCF

2/28/2002



VINCENT MILLIN
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